

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE EXPORT-IMPORT BANK OF THE REPUBLIC :  
OF CHINA, :  
: :  
: Plaintiff, : 16-CV-4480 (JMF)  
-v- :  
: :  
DEMOCRATIC REPUBLIC OF THE CONGO, :  
: :  
: Defendant. :  
: :  
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JESSE M. FURMAN, United States District Judge:

This case has been reassigned to the undersigned. Unless and until the Court orders otherwise, all dates and deadlines shall remain in effect notwithstanding the case's reassignment, except as set forth below and except that any currently scheduled conference or oral argument with the Court is adjourned pending further order of the Court. **All counsel must familiarize themselves with the Court's Individual Rules, which are available at <https://www.nysd.uscourts.gov/hon-jesse-m-furman>.**

There appear to be multiple motions pending in this case: Plaintiff's motion for attorney's fees, which was filed almost 17 months ago, *see* ECF No. 31; Plaintiff's motion for sanctions, which was filed almost 11 months ago and which Plaintiff has repeatedly asked the Court to defer ruling on, *see* ECF No. 39; *see also, e.g.*, ECF Nos. 42, 43, 44, 46; and letter motions asking the Court to defer its ruling on the motion for sanctions, which appear to be moot, *see* ECF Nos. 42, 43. Given the age of the principal motions and the possibility that there have been materials changes in both the facts and/or the law, the motions are DENIED without prejudice to renewal, in a single motion, by **March 27, 2020**.

Further, it is hereby ORDERED that no later than **March 11, 2020**, the parties shall file on ECF a joint letter, described below, updating the Court on the status of the case. The joint letter shall not exceed five (5) pages, and shall provide the following information in separate paragraphs:

1. Names of counsel and current contact information, if different from the information currently reflected on the docket;
2. A brief statement of the nature of the case and/or the principal defenses thereto;
3. A brief explanation of why jurisdiction and venue lie in this Court. In any action

in which subject matter jurisdiction is founded on diversity of citizenship pursuant to Title 28, United States Code, Section 1332, the letter must explain the basis for the parties' belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company, or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48 (2d Cir. 2000).

4. A statement of all existing deadlines, due dates, and/or cut-off dates;
5. A statement of any previously scheduled conference dates with the Court that have not yet occurred and the matters that were to be discussed;
6. A detailed statement of all discovery undertaken to date, including how many depositions each party has taken and what, if any, discovery remains that is essential for the parties to engage in meaningful settlement negotiations;
7. A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
8. A statement of whether the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case (*e.g.*, within the next sixty days; after the deposition of plaintiff is completed; after the close of fact discovery; etc.) the use of such a mechanism would be appropriate;
9. An estimate of the length of trial; and
10. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

If this case has been settled or otherwise terminated, counsel are not required to submit such letter, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is filed on the docket prior to the deadline, using the appropriate ECF Filing Event. *See SDNY ECF Rules & Instructions §§ 13.17-13.19 & App'x A, available at [http://nysd.uscourts.gov/ecf\\_filing.php](http://nysd.uscourts.gov/ecf_filing.php).* In accordance with the Court's Individual Rules and Practices, requests for extensions or adjournment may be made only by letter-motion filed on ECF and must be received at least 48 hours before the deadline or conference. The written submission must state (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (5) the date of the parties' next scheduled appearance before the Court. Unless counsel are notified that a conference has been adjourned, it will be held as scheduled.

**The Clerk of Court is directed to terminate ECF Nos. 31, 39, 42, and 43.**

SO ORDERED.

Dated: February 26, 2020  
New York, New York

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JESSE M. FURMAN  
United States District Judge